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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,440	08/09/2001	Robert W. Collins	WDMC.898171	4103
7:	590 04/25/2003			
Dennis B. Danella			EXAMINER	
SHOOK, HARDY & BACON L.L.P. 1200 Main Street			ACKUN, JACOB K	
Kansas City, M	O 64105-2118		ART UNIT	PAPER NUMBER
			3712	
			DATE MAILED: 04/25/2003	4

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.13(a). In no event, however, may a reply be timely filed steer SIX (6) MONTHS from the mailing date of this communication.  If the period for reply sepedified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is specified above is less than thirty (30) days, a reply within the mailing date of this communication.  Failure to reply within the set or extended period for reply unit, by statute, cause the application to become ABANDONED (35 U.SC. § 130).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-32 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The proposed drawing is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is/are paperiod in reply to this Office action.			× //	K
## Deficies Action Summary    Examiner		Application No.	Applicant(s)	7
		09/925,440	COLLINS, ROBERT W.	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Ederised or form may be available under the provides of 37 CPR 1.136(a). In covern, however, may a reply be limitly filed after SX (6) MONTHS from the mailing date of this communication in 11 be period for mayly specified size in the provide or they specified size is than the mailing date of this communication.  False to reply within the set of redeviced period for reply will, by statute, cause the application to become ABANDONED (39 U.S. €, \$133).  False to reply within the set of redeviced period for reply will, by statute, cause the application to become ABANDONED (39 U.S. €, \$135).  False to reply within the set of redeviced period for reply will, by statute, cause the application to become ABANDONED (39 U.S. €, \$135).  False to reply within the set of redeviced period for reply will, by statute, cause the application to become ABANDONED (39 U.S. €, \$135).  False to reply within the set of redeviced period for reply will, by statute, cause the application to become ABANDONED (39 U.S. €, \$135).  False to reply within the set of redeviced period for reply will, by statute, cause the application to become ABANDONED (39 U.S. €, \$135).  False to reply within the set of redeviced period for reply will be statuted to the set of redeviced period for reply will be statuted to the set of redeviced period for reply will be statuted to the set of redeviced period for reply will be statuted to the set of redeviced period for reply will be statuted to the set of redeviced period for reply will be statuted to be statuted period for reply will be statuted period	Office Action Summary	Examiner	Art Unit	$\dashv$
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To a notification to the control of a statement of the state priority under 50 0.0.0. 33 120 and/or 121.		• •		
Attachment(s)	Attachment(s)		·	
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 6) Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	) 5) Notice of		

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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- 2. Claims 2-10 and 24-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are indefinite because they are not drawn to the same subject matter as the claims from which they depend. Note that claims 1 and 11 are drawn to an envelope, bag or other mailing device. The dependent claims are drawn to an envelope only.
- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicants own disclosure of the prior art in view of Soderhold et al. The applicant discloses that most of the elements of the claims are conventional but for the protrusions (presumably the bubble pack referred to by the applicant in the description of the state of the art does not have protrusions). Soderhold discloses a shock protection envelope having protrusions extending inwardly from walls of the envelope. It would have been obvious in view of Soderhold to provide prior art packaging envelopes with protrusions on the inner surfaces of their walls in order to enhance the protection afforded by the packaging.
- 5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

alryo)

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on

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sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-32 rejected under 35 U.S.C. 102(b) as being anticipated by either Hardy or 6.

Brosmith et al or Marconi. These references all disclose shock protective packaging having front

and back panels and various kinds of protrusions protruding inwardly from the panels to protect

the contents of the packaging. Note for example only each limitation of claim 1 and how it is

clearly shown to be conventional by more than one reference.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jacob K. Ackun Jr. whose telephone number is (703)308-3867.

The examiner can normally be reached on Monday through Friday 8.30AM-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Derris Banks can be reached on (703)308-1745. The fax phone numbers for the

organization where this application or proceeding is assigned are (703)305-3579 for regular

communications and (703)305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703)308-0858.

Jacob K. Ackun Jr.

**Primary Examiner** 

Art Unit 3712

J.A.

April 22, 2003